

THE WORLD

Haiti count puts Preval in the lead

Associated Press

PORT-AU-PRINCE, Haiti — Rene Preval, a former president seen as a champion of the poor, appeared headed toward victory Thursday as the first partial returns put him in the lead in Haiti's presidential election.

Preval won 61.5 percent of 282,327 valid votes counted so far, Haiti's electoral council said. It refused to say what percentage of the total votes cast these figures represented. According to the United Nations, a majority of Haiti's 3.5-million eligible voters cast ballots.

Diplomat kidnapped

GAZA CITY, Gaza Strip — Masked gunmen kidnapped an Egyptian diplomat in a brazen daylight attack Thursday that underscored the spiraling lawlessness in the Gaza Strip, and showed that no one — not even an official from one of the Palestinians' most important allies — is safe.

The Egyptian was the first diplomat to be taken in a recent spate of kidnappings. It was the most serious attack on diplomats in the Palestinian territories since three American security guards were killed when a U.S. diplomatic convoy was hit by a bomb in October 2003.

Putin invites Hamas

MADRID — Russian President Vladimir Putin on Thursday invited leaders of Hamas to Moscow, saying his country — unlike most of the West — does not see the Palestinian group as a terrorist organization.

Hamas leader Ismail Haniyeh said in Gaza group members would be "delighted" to visit Russia if officially invited.

Putin, ending a two-day visit to Spain, urged the world not to turn its back on Hamas. Alexander Kalugin, Russia's special envoy for the Middle East, said in Moscow that Russia would use the meeting to ask the militant group to recognize Israel's right to exist.

LEGAL NOTICE

**NOTICE OF INTENT TO CONDUCT RESTORATION PLANNING
MOSAIC FERTILIZER LLC, RIVERVIEW FACILITY
ACIDIC PROCESS WATER RELEASE, SEPTEMBER 5TH-6TH, 2004**

PURPOSE

Trustees for natural resources, in cooperation with other state and local government agencies, have determined that the impacts associated with a stack breach and subsequent release of process water from the Mosaic Fertilizer LLC (formerly Cargill Corp Nutrition) Riverview facility on September 5th-6th, 2004 warrant conducting a Natural Resource Damage Assessment (NRDA), which will include restoration planning. The purpose of this restoration planning is to evaluate potential injuries to natural resources and services, and use that information to determine appropriate restoration actions.

PUBLIC INVOLVEMENT

The Trustees seek public involvement in restoration planning for this incident through public review of the Preassessment Data Report (See below). Representatives from the Trustee Working Group plan to provide a brief overview of the Preassessment Data Report at the March 9th, 2006, 9 a.m. meeting of the Agency on Bay Management (<http://www.tbpc.org/abm/>) and be available to answer questions related to the injury assessment and restoration planning processes.

SITE AND RELEASE INFORMATION

On September 5, 2004 a phosphogypsum stack wall failed at Mosaic Fertilizer LLC's Riverview facility, discharging process water into Archie Creek and subsequently into Hillsborough Bay, a sub-bay of Tampa Bay. The spill impacted approximately 135 acres of marshes and mangroves, 23 acres of seagrasses, hundreds of acres of open water, and the fauna inhabiting these areas. As owner and operator of the phosphate processing facility from which the release occurred, Mosaic Fertilizer LLC was identified as the responsible party. Originally a meandering creek, Archie Creek has been modified through time. In its current state, the north portion of Archie Creek remains in a relatively natural state while the south portion of the creek has been channelized to form Archie Creek Canal. Flanked by dikes on both sides, Archie Creek Canal follows a relatively straight path to Hillsborough Bay.

Hillsborough Bay is a shallow sub-bay within Tampa Bay. Extensive mangroves and marshes border on Hillsborough Bay and Archie Creek, providing nursery habitat for numerous species and providing other ecological services such as water filtration, sediment stabilization, and storm buffering. The bottom of Hillsborough Bay is primarily mud and sand with some areas of seagrass. Aquatic fauna include, but are not limited to, fish and invertebrate species such as silverside, sand trout, spinedfish, scaled sardine, mojarra, stingray, menhaden, hog choker, white grunt, brown shrimp, pink shrimp, white shrimp, blue crab, stone crab, horseshoe crab and others. In addition, the Bay provides opportunity for both commercial and recreational harvest of fish and crabs.

AUTHORITIES

The Florida Department of Environmental Protection (FDEP), the U.S. Department of Commerce National Oceanic and Atmospheric Administration (NOAA), and U.S. Department of Interior Fish and Wildlife Service (USFWS) are acting in accordance with the natural resources authorities provided by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) as amended, 42 U.S.C. §§ 9601 et seq., the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 et seq., and other applicable Federal laws including the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) Subpart G, 40 C.F.R. Sections 300.600-300.615 and the Natural Resource Damage Assessment regulations 43 C.F.R. Part 11. In addition, FDEP enters into this NRDA pursuant to the authority in Chapters 376 and 403, Florida Statutes, and other applicable provisions of state law. The Environmental Protection Commission of Hillsborough County (EPCHC) enters into this NRDA pursuant to Chapter 84-446, Laws of Florida, as amended, and Section 403.182, Florida Statutes.

TRUSTEES' DETERMINATIONS

Following the notice of the discharge, the natural resource Trustees made the following determinations:

1. The Trustees have determined that they have jurisdiction to pursue restoration pursuant to CERCLA to resolve liability for injuries to natural resources resulting from the release of process water into Archie Creek and the waters of Hillsborough Bay on September 5-6, 2004.
2. Using information gathered since the beginning of the incident, during the response, and NRDA initiation phases, the Trustees have determined that the incident injured some of the natural resources listed above, which are under the trusteeship of the natural resources trustees. The process water that was released from the breached stack is acidic and is known to have acute impacts on aquatic organisms, vegetation, birds, and wildlife. Vegetation and aquatic organisms are known to have been exposed to acidic conditions resulting from this discharge, and injuries to flora and fauna were observed as a result of this exposure.

Proceed with Preassessment:

Since the Trustees had established jurisdiction and that the likelihood of injury to natural resources was high, the Trustees made the further determination to proceed with preassessment activities. During the preassessment phase, the Trustees collected ephemeral data cooperatively with Mosaic Fertilizer LLC to document any injury that may have resulted from the process water release. The majority of the data collected during the Preassessment phase is summarized in a "Preassessment Data Report" that was finalized in November 2005.

The Preassessment Data Report is available for review under "Response Reports" at the following website - http://response.restoration.noaa.gov/resource_catalog.php

DETERMINATION TO CONDUCT RESTORATION PLANNING

For the reasons discussed below, the natural resource trustees are providing notice that they intend to conduct restoration planning in order to develop restoration alternatives that will restore, replace, rehabilitate, or acquire the equivalent of natural resources injured and/or natural resource services lost as a result of this incident.

Injuries have resulted from this incident - The Trustees base this determination upon data that was collected and analyzed to assess injury to natural resources as a result of the water release. The analysis of these data demonstrates that resources and services were injured. Natural resources that were injured as a result of the spill include, but are not limited to: marsh and mangrove vegetation, benthic communities, water quality, fish and other water column fauna, and seagrasses.

- (1) Response actions have not adequately addressed the injuries resulting from the incident. The nature of the discharge and the sensitivity of the environment precluded prevention of injuries to natural resources. It is anticipated that injured natural resources will eventually return to baseline, but interim losses of services provided by these natural resources have occurred, and will continue until resources return to baseline health/condition.
- (2) Feasible compensatory restoration actions exist to address injuries from this incident. Potential restoration actions include the creation, enhancement or protection of marsh and mangrove habitat. Other compensatory restoration projects will also be considered.
- (3) The Trustees have the tools and procedures to evaluate the injuries and define the appropriate type and scale of restoration for the injured natural resources. Among the available procedures, marsh injury assessment studies will be used in conjunction with a Habitat Equivalency Analysis to determine appropriate compensation for injuries to marshes, mangroves, seagrasses and the services that these habitats provide. Computer based models or other approaches are available for evaluating injuries to water column and benthic fauna.

Comments may be addressed to:

ATTN: Mosaic spill Case Team
National Oceanic and Atmospheric Administration
Damage Assessment Center
263 13th Avenue South
St. Petersburg, FL 33701

Email: mosaic.spill.case.team@noaa.gov

Phone:

Charles Kovach, Fl. Dept. Env. Prot. - (813) 832-7600 x329
Richard Boler, Env. Prot. Corrm. Hillsborough County - (813) 627-2600 x1046

02/10/06

846985-01

1001846985

ST. PETERSBURG TIMES

Published Daily
St. Petersburg, Pinellas County, Florida

STATE OF FLORIDA } S.S.
COUNTY OF PINELLAS }

Before the undersigned authority personally appeared B. Stamper
who on oath says that he is Legal Clerk
of the St. Petersburg Times Full Run
a daily newspaper published at St. Petersburg, in Pinellas County, Florida; that the
attached copy of advertisement, being a Legal Notice
in the matter RE: Notice of Intent

was published in said newspaper in the issues of February 10, 2006

Affiant further says the said St. Petersburg Times Full Run
is a newspaper published at St. Petersburg, in said Pinellas County, Florida, and that the said
newspaper has heretofore been continuously published in said Pinellas County, Florida, each
day and has been entered as second class mail matter at the post office in St. Petersburg, in
said Pinellas County, Florida, for a period of one year next preceding the first publication of
the attached copy of advertisement, and affiant further says that he has neither paid nor
promised any person, firm, or corporation any discount, rebate, commission or refund for the
purpose of securing this advertisement for publication in the said newspaper.

B. Stamper
Signature of Affiant

Sworn to and subscribed before
me this 10th day of
February A.D. 2006

Joseph F. Fish
Notary Public



LEGAL NOTICE

NOTICE OF INTENT TO CONDUCT RESTORATION PLANNING FOR MOSAIC FERTILIZER LLC, RIVERVIEW FACILITY ACIDIC PROCESS WATER RELEASE, SEPTEMBER 5, 2004

PURPOSE

Trustees for natural resources, in cooperation with other state and local government agencies, are conducting a Natural Resource Damage Assessment (NRDA) to evaluate potential injuries to natural resources and to determine appropriate restoration actions.

PUBLIC INVOLVEMENT

The Trustees seek public involvement in restoration planning for this incident. A copy of the Preassessment Data Report is available for review at the March 9th, 2006, 9 a.m. meeting at the Hillsborough County Administration Center, 2000 13th Avenue South, St. Petersburg, FL 33701. The report is available at <http://www.tbpc.org/sbrm/> and be available to answer questions and restoration planning processes.

SITE AND RELEASE INFORMATION

On September 5, 2004 a phosphogypsum stack wall failed at Mosaic Fertilizer LLC, Riverview Facility, discharging process water into Archie Creek and subsequently into Hillsborough Bay. The spill impacted approximately 135 acres of marshes and mangroves, 23 acres of open water, and the fauna inhabiting these areas. As owner and operator of the facility, Mosaic Fertilizer LLC was identified as the responsible party. Originally a meandering creek, Archie Creek has been modified through time to form Archie Creek Canal. Flanked by dikes on both sides, Archie Creek provides a straight path to Hillsborough Bay.

Hillsborough Bay is a shallow sub-bay within Tampa Bay. Extensive mangrove forests border Hillsborough Bay and Archie Creek, providing nursery habitat for numerous species of fish and shellfish. The bay also provides services such as water filtration, sediment stabilization, and storm buffering. The bay is primarily mud and sand with some areas of seagrass, and storm buffering. The bay is primarily mud and sand with some areas of seagrass, and storm buffering. The bay is primarily mud and sand with some areas of seagrass, and storm buffering.

AUTHORITIES

The Florida Department of Environmental Protection (FDEP), the U.S. Department of the Interior (DOI), and U.S. Department of Agriculture (USDA) are acting in accordance with the natural resources authorities provided by the Clean Water Act, the National Oceanic and Atmospheric Administration (NOAA), and U.S. Department of the Interior (DOI). The Clean Water Act (CWA) as amended, 42 U.S.C. §§ 1361-1362, and the National Oceanic and Atmospheric Administration (NOAA) Act (NOAAA) as amended, 16 U.S.C. §§ 1401-1402, and the National Resource Damage Assessment regulations 43 C.F.R. Part 11. In addition, the Florida Department of Environmental Protection (FDEP) is acting pursuant to Chapter 84-448, Laws of Florida, as amended, and Section 403, 182 Florida Statutes, and state law. The Environmental Protection Commission of Hillsborough County is acting pursuant to Chapter 84-448, Laws of Florida, as amended, and Section 403, 182 Florida Statutes, and state law.

TRUSTEES' DETERMINATIONS

Following the notice of the discharge, the natural resource Trustees made the following determinations:

1. The Trustees have determined that they have jurisdiction to pursue restoration actions for injuries to natural resources resulting from the release of process water into the waters of Hillsborough Bay on September 5-6, 2004.

2. Using information gathered since the beginning of the incident, during the investigation phase, the Trustees have determined that the incident injured some of the natural resources under the trusteeship of the natural resources trustees. The process water discharged from the breached stack is acidic and is known to have acute impacts on aquatic organisms, vegetation and aquatic organisms are known to have been exposed to this discharge, and injuries to flora and fauna were observed as a result of this discharge.

Proceed with Preassessment:

Since the Trustees had established jurisdiction and that the likelihood of injury to natural resources was high, the Trustees determined to proceed with preassessment activities. In the preassessment phase, the Trustees collected ephemeral data cooperatively with Mosaic Fertilizer LLC. The data collected during the preassessment phase is summarized in a "Preassessment Data Report" that was finalized on February 10, 2006.

The Preassessment Data Report is available for review under "Response Report" at http://response.restoration.noaa.gov/resource_catalog.php

DETERMINATION TO CONDUCT RESTORATION PLANNING

For the reasons discussed below, the natural resource trustees are providing notice of intent to conduct restoration planning in order to develop restoration alternatives that will restore, or the equivalent of natural resources injured and/or natural resource services lost as a result of the discharge.

Injuries have resulted from this incident - The Trustees base this determination on the fact that the discharge of acidic process water into Archie Creek and Hillsborough Bay and analyzed to assess injury to natural resources as a result of the water release. The discharge demonstrates that resources and services were injured. Natural resources that were injured include, but are not limited to: marsh and mangrove vegetation, benthic invertebrates, and other water column fauna, and seagrasses.

(1) Response actions have not adequately addressed the injuries resulting from this discharge and the sensitivity of the environment precluded prevention of injuries to natural resources. It is anticipated that injured natural resources will eventually return to baseline, but interim injuries to these natural resources have occurred, and will continue until resources return to baseline.

(2) Feasible compensatory restoration actions exist to address injuries from this discharge. Restoration projects will also be considered.

(3) The Trustees have the tools and procedures to evaluate the injuries and develop restoration alternatives for the injured natural resources. Among the available procedures are the use of a Habitat Equivalency Analysis to determine the services that these habitat alternatives provide. Models or other approaches are available for evaluating injuries to water column resources.

Comments may be addressed to:

ATTN: Mosaic spill Case Team
National Oceanic and Atmospheric Administration
Damage Assessment Center
263 13th Avenue South
St. Petersburg, FL 33701

Email: mosaic.spill.case.team@noaa.gov

Phone:
Charles Kovach, FL Dept. Env. Prot. - (813) 632-7600 x329
Richard Boler, Env. Prot. Comm. Hillsborough County - (813) 627-2600 x1046

02/10/06